

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK  
 HARD ROCK CAFE INTERNATIONAL )  
 (USA), INC., )  
 Plaintiff, )  
 )  
 v. )  
 )  
 HARD ROCK HOTEL HOLDINGS, LLC, )  
 HARD ROCK HOTEL, INC., HRHH IP, LLC, )  
 MORGANS HOTEL GROUP CO., MORGANS )  
 HOTEL GROUP MANAGEMENT, LLC, )  
 MORGANS GROUP, LLC, DLJMB HRH )  
 VOTECO, LLC, DLJ MB IV HRH, LLC, DLJ )  
 MERCHANT BANKING PARTNERS IV, L.P., )  
 TURNER BROADCASTING SYSTEM, INC., )  
 BRAD LACHMAN PRODUCTIONS, INC. and )  
 GENCO ENTERTAINMENT, INC., )  
 Defendants. )

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Case No. 10 CV 7244 (WHP)

**STIPULATION AND ORDER**

Plaintiff Hard Rock Cafe International (USA), Inc. (“HRCI”) and Defendants Hard Rock Hotel Holdings, LLC, Hard Rock Hotel, Inc. and HRHH IP, LLC (the “Hard Rock Defendants”), Morgans Hotel Group Co., Morgans Hotel Group Management LLC, Morgans Group LLC, DLJMB HRH VoteCo, LLC, DLJ MB IV HRH, LLC and DLJ Merchant Banking Partners IV, L.P. (the “Equity Holder Defendants”) and Turner Broadcasting System, Inc., Brad Lachman Productions, Inc. and Genco Entertainment, Inc. (Plaintiff and Defendants are referred to hereinafter collectively as the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

1. Plaintiff and the new owners and operators of the Las Vegas Hard Rock Hotel & Casino will pursue settlement discussions until June 14, 2011. To the extent no settlement is reached by May 30, 2011, Plaintiff and the new owners and operators of the Las Vegas Hard Rock Hotel & Casino will appear for a mediation session in New York

with the Honorable Robert W. Sweet to be scheduled at a mutually convenient time. The Parties will ask Judge Sweet on or before April 29, 2011 to set that mediation date for a time in mid-June, 2011.

2. Plaintiff is granted leave to file a motion to amend its first amended complaint, such motion to be filed no earlier than June 1, 2011 and no later than June 14, 2011. No later than one week prior to Plaintiff's anticipated filing date, Plaintiff will provide the Defendants with a copy of a proposed second amended complaint and request that Defendants stipulate to the proposed amendment such that the motion to amend need not be filed.

3. Counsel for the Hard Rock Defendants and Equity Holder Defendants will provide Plaintiff's counsel no later than April 29, 2011 with the information previously requested concerning the details of the transfer of ownership of the Las Vegas Hard Rock Hotel & Casino, specifically including the names of the various entities that now own and manage that property.

4. The Parties will submit a protective order to the Court for approval no later than April 29, 2011.

5. To the extent no settlement is reached, the Parties will begin exchanging their respective document productions on June 14, 2011 and shall complete their respective productions no later than August 15, 2011, provided that (a) the Parties shall make at least one substantial interim production on or about July 15, 2011 and (b) production of any documents relevant only to factual matters that are the subject of any pending motions may be deferred until the Court rules, but must be completed within 30 days of any such ruling or by August 15, 2011, whichever is later.

6. The Parties shall submit letters advising the Court and each other whether they intend to pursue expert discovery and, if so, identifying their experts and disclosing the subject of expert testimony by August 29, 2011.

7. All fact discovery shall be completed by October 31, 2011.

8. The Parties shall submit a joint pre-trial order in accord with this Court's Individual Practices by December 19, 2011.

9. The Court will hold a final pre-trial conference on January 6, 2012 at 10:30 a.m., not at 10:00 a.m. on September 9, 2011, as set forth in the Court's December 3, 2010 Scheduling Order.

SO STIPULATED:

Dated: New York, New York  
April 25, 2011

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*Attorneys for the Defendants Turner Broadcasting System, Inc., Brad Lachman Productions, Inc. and Genco Entertainment, Inc.*

SO ORDERED:

Dated: 5/2/11

J. Michael Parley  
U.S.D.J.